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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 ALBERTO AGUILAR,

10 Defendant.

CASE NO. CR17-5357-04-RBL

ORDER RE: ALLEGATIONS OF
VIOLATION OF CONDITIONS
OF SUPERVISION BY UNITED
STATES PRETRIAL SERVICES
(DKT. 64); GRANTING
PLAINTIFF'S MOTION FOR
DETENTION (DKT. 90)

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12 THIS MATTER comes on for hearing on the Petition of the United States Pretrial
13 Services Office (Dkt. 64, 66) and the United States' Motion for Detention (Dkt. 90), alleging that
14 the defendant, Mr. Alberto Aguilar, violated the conditions of supervision (contained in the
15 Appearance Bond ordered on August 28, 2017 by The Honorable David W. Christel, United
States Magistrate Judge, Dkt. 47) as set forth in said Petition.

16 The plaintiff appears through Assistant United States Attorney, Joshua Ferrentino;

17 The defendant appears personally and represented by counsel, Paula Olson;

18 The defendant has been advised of (a) the alleged violations; (b) the right to a hearing;
19 and (c) that defendant's Appearance Bond could be revoked and defendant detained pending
resolution of the underlying charges in the Complaint/Indictment/Information if found to be in
violation of conditions of bond supervision.

20 The defendant having

21 (X) acknowledged the right to a hearing on the merits, voluntarily waived that hearing,
22 and admitted violating the following bond conditions (Dkt. 47 at p.1) as set forth below:

23 1. Consuming alcohol on or about February 20, 2018 (violation of a special condition)

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2. Committing the offense of driving while under the influence on or about February 20, 2018 (violation of a standard condition).

Therefore, having been found to be in violation of his bond as set forth below after a hearing before the undersigned:

Finds the defendant violated the conditions of his Appearance Bond, and the requirements of 18 U.S.C. § 3148 are met; now therefore defendant's Appearance Bond is hereby:

() continued in effect.

() modified as follows:

(X) revoked, and the defendant is ordered detained.

The defendant admitted both of the violations alleged in the petition, and therefore the Government was not required to put on proof that he committed the alleged violations. The Court finds that the allegations concerning the defendant's behavior of driving while intoxicated show that Mr. Aguilar is a serious threat and dangerous to the community and other persons. The Government established by clear and convincing evidence that the defendant's conduct was repeated in February 2018 after having been admonished for similar behavior in December of 2017, and poses a danger to the community; the Government also proved by a preponderance of the evidence that the defendant did not respond to the admonishment in December 2017 and is not likely to abide by any conditions.

The defendant's history of failing to follow the conditions of bond shows that he is not able to abide by the conditions set. See Dkt. 50 (Pretrial Services Report recommending release on bond under conditions of supervision), Dkt. 63 (Report on Defendant Under Pretrial Services Supervision indicating that defendant was driving under the influence on December 23, 2017), Dkt. 64, 66 (Petition and Report indicating that the defendant was driving under the influence on February 20, 2018); Dkt. 67 at 8-9 (Petition for Warrant, and Rule 5 documents). And the Defendant has not overcome the presumption of detention (18 U.S.C. §3148); he failed to show that he will not pose a danger to any other person or the community. See also CrR 46(a),(h). Although the defendant suggested that counseling may be available to him in California while on bond, and that he would agree that GPS monitoring would be appropriate, the Court finds that this suggestion by the defendant is insufficient to overcome the strong evidence that the

1 defendant poses a danger to others due to his repeated consumption of alcohol and driving while
2 under the influence.

3 The Motion for Detention (Dkt. 90) submitted by the United States is **granted**. The Clerk
4 shall direct copies of this order to counsel for the United States, to counsel for the defendant, the
5 United States Marshal and to the United States Probation Office and/or Pretrial Services Office.

6 Dated this 27 day of March, 2018.

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8 Theresa L. Fricke
9 Theresa L. Fricke
10 United States Magistrate Judge
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